

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 7, 2005 (the "Office Action"). At the time of the Office Action, Claims 1-37 were pending in the Application. Applicant amends Claims 1, 18, 21, 24 and 37. Reconsideration and favorable action are requested.

Objection to the Specification

Applicant notes with appreciation the indication by the Examiner that the objection to the specification has been overcome and the objection withdrawn.

Section 101 and 112 Rejections

Applicant notes with appreciation the indication by the Examiner that all of the previous rejections under 35 U.S.C. § 101 and 112 are withdrawn.

Section 103 Rejections

The Office Action rejects the following claims under 35 U.S.C. § 103(a): Claims 1, 18, 21, 24, and 37 as being unpatentable over US Publication Number 2001/0013087 by Ronstrom ("*Ronstrom*") in view of "PVA: A Self-Adaptive Personal View Agent System by Chen ("*Chen*")"; Claims 13 and 33 as being unpatentable over *Ronstrom* in view of *Chen* and further in view of U.S. Patent No. 6,134,532 issued to Lazarus et al ("*Lazarus*")"; Claims 4 and 26 as being unpatentable over *Ronstrom* in view of *Chen* and further in view of U.S. Patent No. 6,470,344 B1 issued to Kothuri et al ("*Kothuri*")"; Claims 10, 11, 12, and 32 as being unpatentable over *Ronstrom* in view of *Chen* and further in view of U.S. Publication No. 2002/0083067 A1 by Tamayo et al ("*Tamayo*")"; Claims 15 and 35 as being unpatentable over *Ronstrom* in view of *Chen* and further in view of U.S. Patent No. 6,055,515 issued to Consentino et al ("*Consentino*")"; Claims 16 and 36 as being unpatentable over *Ronstrom* in view of *Chen* as applied to Claims 1 and 24 above and further in view of U.S. Patent No. 6,243,750 B1 issued to Verma ("*Verma*")"; and Claim 17 is unpatentable over *Ronstrom* in view of *Chen* as applied to Claim 1 above and further in view of U.S. Publication No. 2003/0059029 A1 issued to Mengshoel et al ("*Mengshoel*"). Applicant respectfully traverses each of these rejections.

Amended Claim 1 recites merging a first node with a related non-parent node arranged laterally to the first node in the hierarchical arrangement if a level of access value for the first node is less than a threshold access value for the first node. Claims 18, 21, 24 and 37 recite similar elements. The Office action states that *Ronstrom* remains silent as to the merging of said first node with a related lateral node if said actual usage value for said first node is less than said threshold usage value for said first node. *See* Office Action, page 8. The Office Action also states that *Chen* discloses a node merged with a related parent lateral node if an actual value for a first node is less than a threshold value for the first node at pages 258-60 of *Chen*. *See* Office Action, page 8. The Examiner interprets a related parent node to be a related lateral node. *See id.* at n.3. Applicant disagrees with such interpretation but, to advance prosecution, have amended Claim 1 to recite a related non-parent lateral node. Neither *Ronstrom* nor *Chen*, either alone or in combination, disclose, teach or suggest merging a first node with a related non-parent node arranged laterally to the first node in the hierarchical arrangement if a level of access value for the first node is less than a threshold access value for the first node. Therefore, for at least these reasons, Applicant respectfully submits that Claims 1, 18, 21, 24 and 37 are patentable over the cited art used in the rejections and request that the rejections of Claims 1, 18, 21, 24 and 37 be withdrawn.

Claims 2-17 depend from Claim 1; Claims 19-20 depend from Claim 18; Claims 22-23 depend from Claim 21; and Claims 25-36 depend from Claim 24. Therefore, for at least the reasons discussed above with respect to Claims 1, 18, 21 and 24, Applicant respectfully submits that Claims 2-17, 19-20, 22-23 and 25-36 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact Chad C. Walters, Attorney for Applicant, at the Examiner's convenience at (214) 953-6511 to schedule the telephone conference.

Applicant believes no additional fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: September 6, 2005

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